

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2005-01

February 1, 2005

Thomas Stawasz
60 Ridge Rd Box 452
Hollis, NH 03049

RE: DES Wetlands File #2003-02824 60 Ridge Rd, Hollis

Dear Mr. Stawasz:

On December 9, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hollis Tax Map 12 as Lot 13 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Administrative Rules Wt 100-800.

During the inspection, the following deficiencies were documented:

1. A previously permitted pond was not constructed in accordance with project specific and general conditions of the permit approval, including:
 - a. An outlet structure consisting of an approximately 18-inch concrete collar and steel cover grate had been installed at the southwest end of the pond.
 - b. Approximately 300 linear feet of additional culvert and associated fill had been installed for the pond outlet structure.
 - c. Siltation, erosion and turbidity controls had not been properly installed or maintained (i.e., silt fence was not trenched into the soil surface and exposed soils/fill was not adequately stabilized) on the Property.
 - d. The pond construction activities had resulted in sedimentation of a pond located on the abutting property.

In response, you are requested to take the following actions:

1. **Within 30 days of receipt of this Letter of Deficiency:** If you wish to retain the non-permitted outlet structure and associated culvert and fill material, submit an appropriately completed permit amendment request to DES for review and approval. The permit amendment request shall include the following:
 - a. A plan, drawn to scale and stamped by a licensed engineer or surveyor, depicting previous and current wetland boundaries and site conditions within the pond and culvert area. The wetland boundaries shall be delineated by a certified wetland scientist according to the requirements of rule Wt 301.01, and the plan shall be stamped by the wetland scientist responsible for the delineation accordingly;

- b. Include documentation addressing Requirements for Application Evaluation per rules Wt 302.04 (a) (1) through (20);
 - c. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the construction area, and remediation of the sedimentation on the abutting property, if necessary;
 - d. Written permission from the abutting property owner to enter the property to determine the amount of sedimentation and execute remediation of the sedimentation.
2. If DES determines the permit amendment information/non-permitted work is not approvable or if you fail to submit the permit amendment request, you will be required to submit a restoration plan. The restoration plan shall include the following:
- a. A restoration plan prepared by a certified wetland scientist, including a site plan drawn to scale and stamped by a licensed engineer or surveyor showing:
 - 1. Existing conditions, with wetland boundaries; and
 - 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area, and remediation of the sedimentation on the abutting property, if necessary;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date;
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for one growing season following completion of the restoration project.
 - f. Retain a certified wetland scientist to supervise the implementation of the restoration plan and to submit restoration progress reports.
 - g. Implement the restoration plan only after receiving written approval and as conditioned by DES.

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RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

William A. Thomas, CWS, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact William A. Thomas at (603) 271-4066 or by email at wthomas@des.state.nh.us.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Collis G. Adams', is written over a large, light-colored 'COPY' watermark.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 1160 0005 9765 1015

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Dori Wiggin, DES Wetlands Bureau
Hollis Conservation Commission
Hollis Board of Selectmen
USACOE